

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

VERIZON WIRELESS

and

Case 02–CA–157403

COMMUNICATIONS WORKERS OF AMERICA,  
AFL–CIO

VERIZON NEW YORK INC., EMPIRE CITY SUBWAY COMPANY  
(LIMITED), VERIZON AVENUE CORP., VERIZON ADVANCED  
DATA INC., VERIZON CORPORATE SERVICES CORP., VERIZON  
NEW ENGLAND INC., VERIZON SERVICES CORP. AND  
VERIZON NEW JERSEY, INC.

and

Case 02–CA–156761

COMMUNICATIONS WORKERS OF AMERICA (CWA)

VERIZON PENNSYLVANIA INC., VERIZON SERVICES  
CORP., AND VERIZON CORPORATE SERVICES CORP.

and

Case 04–CA–156043

COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 2-13,  
AFL–CIO, CLC

VERIZON WASHINGTON, D.C. INC., VERIZON MARYLAND INC.,  
VERIZON VIRGINIA INC., VERIZON SERVICES CORP., VERIZON  
ADVANCED DATA INC., VERIZON SOUTH INC. (VIRGINIA),  
VERIZON CORPORATE SERVICES CORP. and VERIZON  
DELAWARE INC.

and

Case 05-CA-156053

COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 2-13,  
AFL–CIO, CLC

VERIZON CALIFORNIA INC. AND VERIZON FEDERAL INC.,  
VERIZON FLORIDA INC., VERIZON NORTH LLC, VERIZON  
SOUTHWEST INC., VERIZON CONNECTED SOLUTIONS INC.,  
VERIZON SELECT SERVICES INC. AND MCI INTERNATIONAL, INC.

and

Case 31-CA-161472

COMMUNICATIONS WORKERS OF AMERICA,  
AFL-CIO, DISTRICT 9

**ORDER REMANDING**

On November 19, 2018, the National Labor Relations Board issued a Notice to Show Cause why this case should not be remanded for further consideration under *The Boeing Co.*, 365 NLRB No. 154 (2017).<sup>1</sup> The Board also asked the parties to address whether a remand would affect the Board's ability to resolve the judge's application of *Purple Communications*, 361 NLRB 1050 (2014), to several of the allegedly unlawful rules. The Respondents filed a response opposing remand, and the Charging Parties filed a response favoring remand. The General Counsel did not file a response.<sup>2</sup>

---

<sup>1</sup> The Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> The Respondents contend that remand is unwarranted because they have already presented arguments that the work rules at issue are lawful under the standards subsequently adopted in *Boeing*, and remand would inject additional delay into a long-pending case. The Charging Parties favor remand to afford them an opportunity to introduce evidence disputing the Respondents' business justifications for the challenged work rules and demonstrating how and why the rules infringe on the exercise of Sec. 7 rights. The Charging Parties have articulated grounds in favor of remand which, on balance, are not outweighed by the goal of avoiding unnecessary delay. The Board therefore finds that the most prudent course of action is to remand this proceeding to the judge to consider the challenged rules in light of *Boeing*, except we shall sever and retain Sections 1.6, 1.8.1, and 3.4.1 of the Verizon Wireless Code of Conduct. Previously, the judge analyzed these three sections of the Code of Conduct under the standard announced in *Purple Communications*, 361 NLRB 1050 (2014). The Board has invited briefing regarding, among other things, whether *Purple Communications* should be adhered to, modified, or overruled. See Notice and Invitation to File Briefs, *Caesars Entertainment Corp. d/b/a Rio All-Suites Hotel & Casino*, 28-CA-060841, 2018 WL 3703476 (Aug. 1, 2018). Accordingly, the Board has decided to sever the allegations regarding Sections 1.6, 1.8.1, and 3.4.1 and retain them for further consideration in order to expedite the issuance of a decision on the allegations governed by *Boeing*. The Board will issue a supplemental decision regarding these three sections at a later date. See *J. Picini Flooring*, 355 NLRB 606, 612 fn. 23 (2010).

The Charging Parties' motions to strike are denied. See *Manville Forest Products Corp.*, 265 NLRB 920, 920 fn. 2 (1982). The Respondents' request to consolidate is also denied. See generally *Cellco Partnership d/b/a Verizon Wireless*, 365 NLRB No. 38, slip op. at 1 fn. 2 (2017) (denying motion to stay proceedings and decide matter in conjunction with other pending cases).

Having duly considered the matter, the Board has concluded that a remand of these allegations to the administrative law judge is warranted, except that the Board will sever and retain for future consideration the allegations that Sections 1.6, 1.8.1, and 3.4.1 of the Respondents' Code of Conduct are unlawful.

IT IS ORDERED that the complaint allegations involving the Respondent's Code of Conduct provision entitled "Speak Up," footnote 1 of the Code of Conduct, and Code of Conduct sections 1.8, 1.8.2, 2.1.3, 3.2.1, and 4.6 are remanded to Administrative Law Judge Donna N. Dawson for the purpose of reopening the record, if necessary, and preparation of a supplemental decision addressing the complaint allegations affected by *Boeing* and setting forth credibility resolutions, findings of fact, conclusions of law, and a recommended Order. Copies of the supplemental decision shall be served on all parties, after which the provisions of Section 102.46 of the Board's Rules and Regulations shall be applicable. IT IS FURTHER ORDERED that the complaint allegations involving Sections 1.6, 1.8.1, and 3.4.1 of the Respondents' Code of Conduct are severed and retained.

Dated, Washington, D.C., March 22, 2019.

By direction of the Board:

/s/ Roxanne L. Rothschild  
Executive Secretary